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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/697,904	10/29/2003	Timothy Minter	1444-0097	9205
7590 09/29/2005				
Jensen & Puntigam, P.S. Suite 1020 2033 Sixth Avenue Seattle, WA 98121		EXAMINER THOMAS, LUCY M		
		ART UNIT PAPER NUMBER		
		2836		

DATE MAILED: 09/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/697,904	Applicant(s) MINTEER ET AL.	
	Examiner Lucy Thomas	Art Unit 2836	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 March 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Oath/Declaration

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: The application number and filing date are incorrect.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 1-3 and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by Nelson et al. (US 6,347,027). Regarding Claim 1, Nelson et al. discloses a recloser control apparatus compatible with various reclosers (Figure 2, Figure 11, Column 30, lines 20-30, Column 31, lines 14-24), comprising: a protective relay 204 for power lines responsive to voltage and current values from the power line to identify faults present on the power line and in combination with a recloser apparatus to restore power to selected areas of the power system which have been initially put out of service in response to a fault indication (Column 5, lines 59-65, Column 6, lines 58-65); and a control interface system 208,216 capable of providing control signals for a plurality of different reclosers having different control requirements, the interface system 208,216 including a charging

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system (provided in 222, see Figure 2) capable of producing control voltages for controlling trip and close coils of various reclosers having different control voltage requirements (Column 6, lines 37-43, 58-67, Column 7, lines 1-3). Regarding Claim 2, Nelson et al. discloses an input power converter (provided in 222, see Figure 20 for providing the control interface, including the charging system with a 12 volt bus signal, the power converter being responsive to a source voltage to produce 12 volt signal (Figure 2 discloses DC/Dc converter outputs of 5, 12, and 24 volts, Column 5, lines 59-65, Column 7, lines 15-18). Regarding Claim 3, Nelson et al. discloses an element (provided in 222, see Figure 2), which includes a DC/DC converter, which outputs various voltages necessary to power the recloser control apparatus. Regarding Claim 5, Nelson et al. discloses a battery (provided in 222, see Figure 2), battery charge control logic and a battery charger circuit for maintaining the battery in a charged condition (Figure 2, Column 7, lines 15-18). The battery charge control logic and the battery charge circuit are both necessarily provided in the DC/DC converter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 4, 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US 6,347,027) in view of Yamaguchi (US 6,492,891). Regarding Claim 4, Nelson et al. discloses an element 222, power supply/battery backup, which has a

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DC/DC converter with outputs 5, 12 and 24 VDC for control, communication and switch actuation, and is computer controlled, however, Nelson et al. focuses on the method for controlling an electric power distribution system and does not provide details on the charging system components recited in Claim 4, comprising an input capacitor, a flyback transmitter, a switching element with a control circuit, an output filter and a capacitor discharge circuit. Yamaguchi discloses a charging system 420, which includes an input capacitor 412, a flyback transmitter 421, a switching element 422, and an output filter 423, 424 (Figure 14, Column 7, lines 53-67, Column 8, lines 1-6). The Yamaguchi reference is relied upon solely to disclose details of the charging system. It would have been obvious to one of ordinary skill in the art at the time of the invention that the charging system of Nelson et al. would include a charging system as taught by Yamaguchi which provides the recited elements to efficiently and reliably providing charge voltage levels.

6. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US 6,347,027) in view of Gul (US 6,555,748). Although not shown, the recloser control apparatus necessarily is provided with a housing. There are no details provided about the housing or its structure. Gul discloses a housing 12 with a removable plate 50 with an opening 58 (Figures 3 and 4) for attaching cable assembly 62, 18. It would have been obvious to one of ordinary skill in the art at the time of the invention to provide in a housing of Nelson et al. a removable plate with an opening as taught by Gul to mount a wiring connector between the recloser control apparatus and the recloser. This configuration securely and reliably mounts a cable assembly in a housing.

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7. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Nelson et al. (US 6,347,027) in view of Rogers (US 3,573,559). Nelson et al. necessarily is provided with a recloser control housing. Rogers discloses a housing 12 with front and rear doors 16,17 which are independently and separately lockable. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the housing of Nelson et al. to include front and rear doors with locks as taught by Rogers for access to the front and rear of the apparatus and for preventing opening of the front and rear doors by unauthorized personnel (Figures 2 and 3, Column 2, lines 51-59).

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US 5,117,325, US 5,808,376, US 6,778,370, US 6,667,866.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucy Thomas whose telephone number is 571-272-6002. The examiner can normally be reached on Monday - Friday 8:00 AM - 4:30 PM EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Sircus can be reached on 571-272-2058. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

LT

September 19, 2005



Phuong T. Vu
Primary Examiner